

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**ANGELA FERGUSON**

**Plaintiff,**

**v.**

**TRIANA HEALTH SERVICES, INC.  
DBA HIGHLAND NURSING CENTER**

**Defendant.**

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**CASE NO. 5:20-cv-140**

**DEFENDANT’S NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1332, 1441(a)-(c), and 1446, Defendant Triana Health Services, Inc. dba Highland Nursing Center (“Defendant”) hereby removes to this Court the action brought by Plaintiff Angela Ferguson (“Plaintiff”) in the County Court at Law No. 10 of Bexar County, Texas. In support of this removal, Defendant states as follows:

**Timeliness of Removal**

On or about September 24, 2019, Plaintiff filed her Original Petition and Jury Demand (“Petition”) in the County Court of Law No. 10 for Bexar, Texas, assigned as Cause No. 2019CV07788 on the docket of that court (the “State Action”).

Defendant was served with citation on January 7, 2020. This Notice of Removal, together with all process, pleadings, and orders served on Defendant in this action are being filed in this Court within 30 days after the initial service of citation on Defendant. The removal is therefore timely under 28 U.S.C. § 1446(b).

The State Court Action, including the Court's docket sheet is attached as Exhibit A. Defendant's Certificate of Interested Persons will be filed separately. A copy of this Notice of Removal is also being filed in the State Court Action.

### **Federal Question Jurisdiction**

In her Petition, Plaintiff asserts claims against Defendant for violations of the Fair Labor Standards Act, 29 U.S.C. §201 et seq. ("FLSA"). Based upon the federal questions raised by Plaintiff, this Court has original jurisdiction pursuant to 28 U.S.C. § 1331, and removal is proper pursuant to 28 U.S.C. § 1441(a)-(c).

### **Conclusion**

Removal of this action is proper under 28 U.S.C. § 1441(a) and (b) because it is a civil action brought in a state court. The federal district courts have original jurisdiction under 28 U.S.C. § 1331 because Plaintiff's Petition involves questions of federal law.

In accordance with 28 U.S.C. § 1466, copies of this Notice of Removal will be promptly served upon counsel for all adverse parties and filed with the Clerk of the County Court at Law No. 10 of Bexar County, Texas.

WHEREFORE, Defendant respectfully requests that this Court take jurisdiction of this action and issue all necessary orders and process to remove it from the County Court at Law No. 10 of Bexar County to the United States District Court for the Western District of Texas, San Antonio Division.

Respectfully submitted,

**OGLETREE, DEAKINS, NASH, SMOAK &  
STEWART, P.C.**

/s/ Lara C. de Leon

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**ATTORNEYS FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 6<sup>th</sup> day of February, 2020, I electronically transmitted this document to the Clerk of Court using the ECF system of filing, which will transmit a Notice of Electronic Filing to all counsel of record in this matter:

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/s/ Lara C. de Leon

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